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108TH CONGRESS "
2d Session

SENATE

REPORT
108-255

YOSEMITE NATIONAL PARK EDUCATIONAL SERVICES

APRIL 26, 2004.—Ordered to be printed

Mr. DOMENICI, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 620]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 620) to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist the State of California or local educational agencies in California in providing educational services for students attending schools located within the Park, having considered the same, reports favorably thereon with an amendment and an amendment to the title, and recommends that the Act do pass.

The amendments are as follows:

1. Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Table of contents.

TITLE I—FUNDING FOR YOSEMITE NATIONAL PARK SCHOOLS

Sec. 101. Short title.

Sec. 102. Payments for educational services.

Sec. 103. Authorization for park facilities to be located outside the boundaries of Yosemite National Park; fees.

TITLE II—RANCHO CORRAL DE TIERRA GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT

Sec. 201. Short title.

Sec. 202. Golden Gate National Recreation Area, California.

Sec. 203. Manzanar National Historic Site Advisory Commission.

TITLE I—FUNDING FOR YOSEMITE NATIONAL PARK SCHOOLS

SEC. 101. SHORT TITLE.

This title may be cited as the “Yosemite National Park School Funding Act”.

SEC. 102. PAYMENTS FOR EDUCATIONAL SERVICES.

(a) **AUTHORITY TO PROVIDE FUNDS.**—For fiscal years 2004 through 2008, the Secretary may provide funds to the Bass Lake Joint Union Elementary School District and the Mariposa Unified School District for educational services to students who are dependents of persons engaged in the administration, operation, and maintenance of the Park or students who live at or near the Park upon real property of the United States.

(b) **LIMITATION ON USE OF FUNDS.**—Payments made by the Secretary under this section may not be used for new construction, construction contracts, or major capital improvements, and may be used only to pay public employees for services otherwise authorized by this title.

(c) **LIMITATION ON AMOUNT OF FUNDS.**—Payments made under this section shall not exceed the lesser of \$400,000 in any fiscal year or the amount necessary to provide students described in subsection (a) with educational services that are normally provided and generally available to students who attend public schools elsewhere in the State of California.

(d) **ADJUSTMENT OF PAYMENTS.**—Subject to subsection (c), the Secretary is authorized to adjust payments made under this section if the State of California or the appropriate local education agencies do not continue to provide funding for educational services at Park schools at per student levels that are equal to or greater than those provided in the fiscal year immediately prior to the date of the enactment of this Act.

(e) **SOURCE OF PAYMENTS.**—

(1) **AUTHORIZED SOURCES.**—Except as otherwise provided in this subsection, the Secretary may use funds available to the National Park Service from appropriations, donations, or fees.

(2) **EXCEPTIONS.**—Funds from the following sources shall not be used to make payments under this section:

(A) Any law authorizing the collection or expenditure of entrance or use fees at units of the National Park System, including—

(i) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.);

(ii) the recreational fee demonstration program established under section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (16 U.S.C. 4601–6a note); or

(iii) the National Park Passport Program established under section 602 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5992).

(B) Emergency appropriations for flood recovery at Yosemite National Park.

(f) **DEFINITIONS.**—For the purposes of this title, the following definitions apply:

(1) **LOCAL EDUCATIONAL AGENCIES.**—The term “local educational agencies” has the meaning given that term in section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26)).

(2) **EDUCATIONAL SERVICES.**—The term “educational services” means services that may include maintenance and minor upgrades of facilities and transportation to and from school.

(3) **PARK.**—The term “Park” means Yosemite National Park.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 103. AUTHORIZATION FOR PARK FACILITIES TO BE LOCATED OUTSIDE THE BOUNDARIES OF YOSEMITE NATIONAL PARK; FEES.

(a) **AUTHORIZATION FOR PARK FACILITIES TO BE LOCATED OUTSIDE THE BOUNDARIES OF YOSEMITE NATIONAL PARK.**—Section 814(c) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 346e) is amended—

(1) in the first sentence—

(A) by inserting “and Yosemite National Park” after “Zion National Park”; and

(B) by inserting “transportation systems and” before “the establishment of”; and

(2) by striking “park” each place it appears and inserting “parks”.

(b) FEES.—Section 501 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5981) is amended in the first sentence by inserting “, cooperative agreement, or other contractual agreement” after “contract”.

TITLE II—RANCHO CORRAL DE TIERRA GOLD- EN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT

SEC. 201. SHORT TITLE.

This title may be cited as the “Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act”.

SEC. 202. GOLDEN GATE NATIONAL RECREATION AREA, CALIFORNIA.

(a) BOUNDARY ADJUSTMENT.—Section 2(a) of Public Law 92–589 (16 U.S.C. 460bb–1(a)) is amended—

(1) by striking “The recreation area shall comprise” and inserting the following:

“(1) INITIAL LANDS.—The recreation area shall comprise”; and

(2) by striking “The following additional lands are also” and all that follows through the period at the end of the subsection and inserting the following new paragraphs:

“(2) ADDITIONAL LANDS.—In addition to the lands described in paragraph (1), the recreation area shall include the following:

“(A) The parcels numbered by the Assessor of Marin County, California, 119–040–04, 119–040–05, 119–040–18, 166–202–03, 166–010–06, 166–010–07, 166–010–24, 166–010–25, 119–240–19, 166–010–10, 166–010–22, 119–240–03, 119–240–51, 119–240–52, 119–240–54, 166–010–12, 166–010–13, and 119–235–10.

“(B) Lands and waters in San Mateo County generally depicted on the map entitled ‘Sweeney Ridge Addition, Golden Gate National Recreation Area’, numbered NRA GG–80,000–A, and dated May 1980.

“(C) Lands acquired under the Golden Gate National Recreation Area Addition Act of 1992 (16 U.S.C. 460bb–1 note; Public Law 102–299).

“(D) Lands generally depicted on the map entitled ‘Additions to Golden Gate National Recreation Area’, numbered NPS–80–076, and dated July 2000/PWR–PLRPC.

“(E) Lands generally depicted on the map entitled ‘Rancho Corral de Tierra Additions to the Golden Gate National Recreation Area’, numbered NPS–80,079E, and dated March 2004.

“(3) ACQUISITION LIMITATION.—The Secretary may acquire land described in paragraph (2)(E) only from a willing seller.”.

(b) ADVISORY COMMISSION.—Section 5 of Public Law 92–589 (16 U.S.C. 460bb–4) is amended—

(1) by striking subsection (b) and inserting the following new subsection:

“(b) MEMBERSHIP.—The Commission shall be composed of 18 members appointed by the Secretary for terms of five years each. In appointing such members, the Secretary shall ensure that the interests of local, historic recreational users of the recreation area are represented.”; and

(2) in subsection (g), by striking “cease to exist thirty years after the enactment of this Act” and inserting “terminate on December 31, 2014”.

SEC. 203. MANZANAR NATIONAL HISTORIC SITE ADVISORY COMMISSION.

Section 105(h) of Public law 102–248 (16 U.S.C. 461 note) is amended by striking “10 years after the date of enactment of this title” and inserting “on December 31, 2013”.

2. Amend the title so as to read: “An Act to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, and for other purposes.”.

PURPOSE OF THE MEASURE

As ordered reported, the purpose of H.R. 620 is to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist the State of California or local educational agencies in California in providing educational services for students attending schools located within or near Yosemite National Park and to authorize the addition of approximately 4,500 acres to the Golden Gate National Recreation Area.

BACKGROUND AND NEED

Yosemite Valley, El Portal and Wawona, are California public schools that serve the children of employees who live and work in Yosemite National Park. Following historic floods in January 1997, the number of families living within Yosemite National Park declined sharply. Because the funding of schools in the State of California is based on average daily attendance, the reduced number of students attending the schools resulted in a corresponding reduction in school funding. This has left inadequate resources to pay for mandated levels of educational services and virtually no funds for construction, maintenance or other operations of the schools. Although funding was included in the 2000 education appropriations bill for the Mariposa County School District to maintain services at two of the three schools, obtaining special earmarks each year is an inefficient method to obtain school funding.

The three schools, while in different locations, are in a similar situation in that access to other area schools is difficult. Yosemite Valley is more than one hour from the town of Mariposa on a narrow mountainous road. El Portal is more than 40 minutes from Mariposa, and Wawona 30 minutes from Oakhurst on a narrow mountain road. All three schools are at nearly 4000 feet, and have many snow days. The roads between Yosemite National Park and the outlying communities are often closed due to weather or rock-slide. It is nearly impossible and clearly dangerous to transport the students in these conditions.

Although park funds are not generally used for State educational purposes, there is one precedent. Since 1948, Yellowstone National Park has operated a park-based elementary school under a statutory provision (16 U.S.C. 40a) that allows the National Park Service (NPS) to provide supplemental funding and facilities. Also, similar authority was provided at Grand Canyon National Park for a short time in the 1970s.

H.R. 620 would authorize the Secretary of the Interior to provide supplemental funding to assist the State of California or local school districts in providing educational services for students attending the three schools. H.R. 620 creates a limited support program for three isolated small schools serving NPS and concessionaire employees in an isolated area.

LEGISLATIVE HISTORY

H.R. 620 was introduced by Congressman Radanovich on February 5, 2003 and passed the House of Representatives by voice vote on March 25, 2003. The Subcommittee on National Parks held a hearing on H.R. 620 on September 9, 2003 (S. Hrg. 108-193). At the business meeting on March 24, 2004, the Committee on Energy

and Natural Resources ordered H.R. 620 favorably reported, with an amendment in the nature of a substitute and an amendment to the title.

A similar bill, H.R. 3421, was introduced in the 107th Congress by Congressman Radanovich and passed the House on April 30, 2002. At the business meeting on October 8, 2004, the Committee on Energy and Natural Resources ordered the bill, with amendments, to be favorably reported, but the Senate failed to act prior to adjournment.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on March 24, 2004, by a voice vote of a quorum present, recommends that the Senate pass H.R. 620, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of H.R. 620, the Committee adopted an amendment in the nature of a substitute and an amendment to the title. The substitute amendment makes several clarifying changes and adds a new title, which modifies the boundary of the Golden Gate National Recreation Area to include approximately 4,500 acres. The Secretary is authorized to acquire lands within the proposed addition from willing sellers. This provision is similar to S. 302 which was reported by the Committee on March 5, 2003 and which passed the Senate on April 3, 2003 (S. Rept. 105-15). Title II also restores and extends the term of the Golden Gate Advisory Commission and the Manzanar National Historic Site Advisory Commission. The amendment is described in detail in the section-by-section analysis below.

SECTION-BY-SECTION ANALYSIS

Section 1 lists the table of contents.

TITLE I—FUNDING FOR YOSEMITE NATIONAL PARK SCHOOLS

Section 101 entitles this title the “Yosemite National Park School Funding Act.”

Section 102 (a) authorizes the Secretary of the Interior to provide funds to two school districts for fiscal years 2004 through 2008 for educational services to dependents of park and concession employees.

Subsection (b) describes the types of educational services that may be funded under this title and prohibits the funds from being used for new construction or major capital investment projects.

Subsection (c) limits payments to the school district to the lesser of \$400,000 in any fiscal year or the amount necessary to provide the educational services that are normally available to students in the State of California.

Subsection (d) authorizes the Secretary to adjust payments to the schools as necessary if the State or local educational agencies do not continue to provide funding.

Subsection (e)(1) authorizes the Secretary to use funds available to the National Park Service from appropriations, donations, or

fees, and prohibits the use of funds from certain sources, including entrance fees and Yosemite flood recovery appropriations.

Subsection (f) defines key terms.

Section 103 amends section 814(c) of the Omnibus Parks and Public Lands Management Act of 1996 to authorize the Secretary to expend donated or appropriated funds on transportation systems and essential facilities for park administration and visitor use outside the boundaries, but within the vicinity of Yosemite National Park.

Subsection (b) amends section 501 of the National Park Omnibus Management Act of 1998, which authorizes the Secretary to charge a fee for public transportation services, to include those services which are offered under cooperative or other contractual agreements.

TITLE II—RANCHO CORRAL DE TIERRA GOLDEN GATE NATIONAL RECREATION ADJUSTMENT ACT

Section 201 entitles this title the “Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act.”

Section 202(a) amends section 2a of Public Law 92–589 to include several parcels of land comprising approximately 4,000 acres and describes the parcels to be included within the park boundary. This section also states that the Secretary may only acquire the described parcels of land from a willing seller.

Subsection (b)(1) amends section 5 of Public Law 92–589 by increasing the number of commissioners appointed to the Golden Gate Advisory Commission from 17 to 18 and increases the term of appointment for each commissioner from three to five years. The section requires the Secretary to ensure that the interests of local and historic users are represented by the commission.

Subsection (b)(2) amends subsection 5 (g) of Public Law 92–589 by restoring and extending the term of the Golden Gate Advisory Commission to December 31, 2014.

Section 203 amends section 105 (h) of Public Law 102–248 by extending the term of the Manzanar National Historic Site Commission to December 31, 2013.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, April 9, 2004.

Hon. PETE V. DOMENICI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 620, an act to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the state of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries

of the Golden Gate National Recreation Area, and for other purpose.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

H.R. 620—An act to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the state of California in providing education services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, and for other purposes

Summary: H.R. 620 would modify the boundary of the Golden Gate National Recreation Area (GGNRA) in California. The act also would authorize the Secretary of the Interior to make payments to two California school districts that serve families of Yosemite National Park employees.

CBO estimates that implementing H.R. 620 would cost \$24 million over the 2005–2009 period, assuming the availability of appropriated funds. The legislation could increase direct spending, but we estimate that any such effects would be insignificant. The act would not affect revenues. H.R. 620 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. Enacting this legislation would benefit two California school districts.

Estimated cost to the Federal Government: For this estimate, CBO assumes that H.R. 620 will be enacted by the start of fiscal year 2005 and that amounts necessary to implement the legislation will be appropriated near the start of each fiscal year. The estimated budgetary impact of H.R. 620 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2004	2005	2006	2007	2008	2009
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level	0	6	7	7	2	2
Estimated Outlays	0	6	7	7	2	2

Basis of estimate: CBO estimates that implementing H.R. 620 would cost \$6 million in 2005 and \$24 million over the next five years, assuming appropriation of the necessary amounts. The legislation could increase direct spending, but we estimate that any such effects would be insignificant.

Spending subject to appropriation

Title II of H.R. 620 would add to the GGNRA the 4,076-acre Rancho Corral de Tierra and over 300 acres of property in the Devil's Slide area. Based on information from the National Park Service (NPS), CBO estimates that the agency would spend \$5 million a

year over the 2005–2007 period to purchase the Rancho Corral de Tierra from the Peninsula Open Space Trust, a local nonprofit organization, which acquired the property in 2001 for \$29.7 million. (We expect that the organization would recover the balance of the land's purchase price from private and state sources.)

The cost of acquiring land within the Devil's Slide area is less certain because formal property appraisals have not yet been completed and because it is unclear how much of this acreage might be acquired by the state of California for a proposed highway diversion. Based on information from the NPS, CBO estimates that the agency would purchase about 300 acres of land within the Devil's Slide area for a total cost of \$5 million over the 2004–2009 period.

Finally, CBO estimates that the cost to develop property added to the GGNRA would total about \$500,000 in 2005. We also estimate that annual costs to administer the new lands would be roughly \$300,000 starting in 2006.

For each of fiscal years 2004–2008, title I of H.R. 620 would authorize the Secretary of the Interior to pay a total of up to \$400,000 to two California school districts that serve the families of Yosemite National Park employees. To make those payments, H.R. 620 would authorize the Secretary to use appropriated funds, donations, or offsetting receipts from certain fees collected by the NPS. For this estimate, CBO assumes that the Secretary would principally rely on appropriated funds to make the payments authorized by the act because very few collections and donations are available to spend on new activities. Hence, we estimate that title I would increase discretionary spending by \$400,000 a year over the next five years, assuming the availability of appropriated funds. That amount could be lower if the Secretary chooses to use funds from other sources to make payments to the school districts, as discussed below.

Direct spending

Title II of H.R. 620 would authorize the Secretary to use certain fees and donations to make payments to two California school districts that serve the families of Yosemite National Park employees. According to the NPS, the agency already has authority to spend nearly all such collections; hence, we estimate that any increase in direct spending of such fees under H.R. 620 would be insignificant.

Intergovernmental and private-sector impact: H.R. 620 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. Enacting this legislation would benefit two California school districts.

Previous CBO estimate: On March 5, 2003, CBO transmitted a cost estimate for S. 302, the Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act, as ordered reported by the Senate Committee on Energy and Natural Resources on February 26, 2003. S. 302 is similar to title II of H.R. 620, and our estimates of the cost of expanding the GGNRA are the same under both pieces of legislation.

Estimate prepared by: Federal Costs: Megan Carroll; Impact on State, Local, and Tribal Governments: Marjorie Miller; and Impact on the Private Sector: Selena Caldera.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 620.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses. No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 620.

EXECUTIVE COMMUNICATIONS

On February 11, 2004, the Committee on Energy and Natural Resources requested legislative reports from the Department of Interior and the Office of Management and Budget setting forth Executive agency recommendations on H.R. 620. These reports had not been received when this report was filed. The testimony provided by the Department of the Interior at the Subcommittee hearing on H.R. 620 follows:

STATEMENT OF RICHARD RINGE, ASSOCIATE DIRECTOR FOR ADMINISTRATION, BUSINESS PRACTICES, AND WORKFORCE, DEVELOPMENT, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on H.R. 620, which would authorize assistance to the State of California or local educational agencies for educational services for students attending schools in Yosemite National Park and would authorize park facilities to be established outside the boundary of the park. This legislation was passed by the House on March 25, 2003.

The Department supports H.R. 620, as we believe that students who attend schools in Yosemite National Park should have access to educational services that are comparable to those that students elsewhere in California receive. The funding authorized by this bill would be a strictly limited provision of assistance to address a particularly severe situation for schools located in a national park. The Department also supports authorizing expenditures for facilities outside Yosemite, as this would enable the National Park Service to contribute to the regional transportation system being developed to serve Yosemite's visitors and employees.

Schools have been located within Yosemite National Park for over 125 years to serve the needs of park employees and their children. At present, two elementary schools are located within the park, at Wawona and in Yosemite Valley. A third elementary school and a small high school

are located in El Portal, the park's administrative site located on federal property just outside the park boundary. Most high-school age students attend the larger county high school in Mariposa because of the lack of opportunity for a comprehensive program at the El Portal school.

The Yosemite Valley School has 42 students in grades kindergarten through eighth grade, divided into three classes. The amount of funding from the State of California, according to a formula based on average daily attendance, supports only two teachers.

The school principal also serves as a teacher.

The elementary school in El Portal has 53 students in seven grades, divided into multigraded classrooms. The Wawona school mirrors the old "one-room" schoolhouse, with 16 children in grades K-8, and one teacher. Because the current funding formula provides for only one teacher, the school is unable to serve more than 20 students. Consequently, in years when the maximum teacher-student ratio is reached, parents are left with the choice of either home-schooling their children or transporting them on their own to schools elsewhere.

Because the schools in the park are located in remote areas, students at the Yosemite schools lack services that are normally available to students that attend schools elsewhere in the state. For example, access to teachers to serve students with special needs is very limited, and road and weather conditions can often restrict teachers' abilities to reach the park. Many facilities are in need of repair or do not meet state or federal standards.

The quality of education that students receive in these schools suffers as a result of lack of funding and staffing. For example, because teachers in the Yosemite schools are responsible for multiple grade levels, they are at a disadvantage compared to teachers who are able to focus on the curriculum and standards for one grade. In addition to their educational duties, teachers must also tend to administrative duties normally performed by other employees. As a result, they are unable to give the time or attention necessary to provide the quality of education that the students deserve.

Recruitment and retention of employees at Yosemite National Park is also adversely affected by the quality of the park schools. Many highly qualified National Park Service employees with school-age children who might otherwise be interested in applying for jobs at Yosemite are discouraged from doing so because of the school situation. Park employees often cite the schools as a major factor in their decision to transfer from Yosemite to other assignments.

H.R. 620 authorizes the Secretary of the Interior to provide funds to the two school districts that administer schools at Yosemite for educational services to students who are dependents of park employees or who live on federal property in or near the park. The bill prohibits funds from being used for facility construction or major improvements, and limits the amount of funding that may be pro-

vided to the lesser of \$400,000 annually or the amount necessary to provide students with educational services comparable to those received by other public school students in California. The bill allows funding for this purpose to be derived from appropriations, donations and fees, except that it prohibits the use of fees collected under the Land and Water Conservation Fund Act, from the Recreational Fee Demonstration program, and from the National Park Passport program. The legislation also prohibits the use of emergency appropriations for Yosemite flood recovery for this purpose.

We want to note that the proposal to assist Yosemite schools has been refined considerably since it was first introduced last Congress. The initial proposal was an indefinite authorization of funding with no limit on the dollar amount that could be spent or restriction on the use of the funds. During the last Congress, the Department worked closely with this committee, the House Resources Committee, and the House and Senate Appropriations Committees to set limits on the amount, duration, use, and source of the funding authorized by this legislation. The result is that the proposal in its current form is now a tightly drawn authorization of a limited amount of federal assistance for what is a unique educational situation.

We strongly believe that any assistance for schools authorized by this bill should be supplemental to Yosemite's annual budget and should not result in a reduction of the amount of funding available for park operations and maintenance.

H.R. 620 also authorizes the Secretary to provide assistance for transportation systems and facilities outside the boundary of Yosemite National Park. It does so by extending to Yosemite the same authority Congress provided Zion National Park in 1996 to enter into agreements and expend funds outside the boundaries of the park. This bill explicitly allows appropriations to be used for "transportation systems" along with other administrative and visitor use facilities.

This provision would allow the park to contribute financially to the regional transportation system that serves the park's visitors and employees. Developing this system has been a goal of the park since the adoption of the 1980 General Management Plan.

In 1999 Mariposa, Merced, and Mono counties created a Joint Powers Authority as an entity to implement the Yosemite Area Regional Transportation System (YARTS) and entered into a Cooperative Agreement with Yosemite National Park. Now in its fourth successful year, YARTS provides an attractive alternative for visitors and employees without having to replace the use of private cars. In 2001, YARTS carried over 38,000 passengers, including park employees, during Yosemite's prime visitor season (May through September). Many of these visitors chose to leave their cars at their motels or other locations outside the park. By choosing YARTS to access the Yosemite Valley,

over 11,000 parking places were made available during the summer.

During the initial two years, the National Park Service participated in the funding of this project using fee demonstration program authority. In its third year of operations, that funding was no longer available, and YARTS had to reduce the number of runs it provides. The regional transportation system is an important means to solve Yosemite's parking and congestion issues by reducing the amount of infrastructure development within the park, and thus substantially reducing the funding requirements for implementing the Yosemite Valley Plan. The Department believes that a small amount of federal assistance will help make YARTS an even bigger success.

In addition, the authority provided by H.R. 620 would enable the National Park Service to establish visitor contact facilities in the park's gateway communities, as is called for in the Yosemite Valley Plan.

In order to assure that the park has the ability to contribute to YARTS through all available transportation authorities, we suggest amendment H.R. 620 to make the transportation fee authority provided under Title V of the National Parks Omnibus Management Act of 1998 (P.L. 105-391) applicable to parks that fund transportation services through a cooperative agreement. The existing language allows parks to use that authority only in cases where transportation services are provided through a service contract. The text of this proposed amendment is attached.

Mr. Chairman, this concludes my remarks. I would be happy to respond to any questions that you or the other members of the subcommittee may have.

MINORITY VIEWS OF SENATOR BINGAMAN

Had there been a roll call vote on the motion to report H.R. 620, I would have voted no. I am very concerned with the concept of taking money intended for our national parks and diverting it to a non-park purpose, as H.R. 620 authorizes, even one as worthwhile as public education.

There have been recently several news accounts of the National Park Service's budget troubles. An internal Park Service memo that was sent out in April noted "[t]his is a time of fiscal constraint that rivals any within our collective memories. . . . A number of parks and offices in our region are in serious financial difficulty and began the fiscal year not being able to meet fixed costs."

Another internal Park Service memo from a different region of the country was sent earlier this year stating that "the majority of parks in the [region] are beginning this fiscal year with fewer operating dollars than in fiscal year 2003. Additionally, the absorption of pay costs, necessary assessments, and other rising, fixed costs have further eroded operating dollars."

The memo then directs park superintendents to prepare a list of possible service and budget cuts, (which it refers to as "service level adjustments due to fiscal constraints) such as closing visitor centers on Federal holidays, eliminating ranger tours, closing campgrounds, and even considering closing the park on certain days of the week.

Whether they are called "budget cuts" or "service level adjustments," the fact is the National Park Service, like other Federal land management agencies, is facing serious budgetary difficulties.

To compound that problem, H.R. 620 authorizes the Park Service to divert up to \$400,000 each year from the operating budget of Yosemite National Park to pay for school needs that are the responsibility of the State of California. In my opinion, diverting scarce park resources for non-park purposes is bad public policy and a terrible precedent.

I understand that Yellowstone National Park has a similar authority dating back to the 1940's, but the fact that this has been done once is not a good reason to do it again.

Just as the Yellowstone authority has been cited as a reason to pass the Yosemite bill, this bill will also be cited as precedent for future bills affecting other rural areas. There are many rural communities throughout the country with under funded schools that are near Federally-managed areas and that are attended by the children of Federal employees.

For the past 3 years this Administration has opposed almost every park-related bill on the grounds that the National Park Service doesn't have enough money to pay for its immediate needs, especially the maintenance backlog. Yet the Administration supports this bill.

According to the Administration's testimony, it is acceptable to fund these schools out of Park Service funds because most of the children attending the schools are the children of Park Service or park concessionaire employees, and "the quality of education that students receive in these schools suffers as a lack of funding and staffing." Yet one of the affected schools, Yosemite Valley School, has been recognized as a "California Distinguished School" with scores well above the State average.

I think it's also important to note that there are Federal programs designed to address funding needs for rural schools such as these. The affected school districts are eligible to receive assistance under the Impact Aid program, Title VIII of the Elementary and Secondary Education Act of 1965. It does not make sense, in my view, to turn the National Park Service into another Department of Education grant program.

Mr. Chairman, during the previous Congress, the Committee considered similar legislation. The Committee amended that bill to authorize appropriations for the three schools at issue, but did not allow for the money to be transferred administratively from Yosemite National Park's operating funds. While Unfortunately, that amendment was not considered by the Committee this year. As reported by the Committee, H.R. 620 will circumvent the appropriations process and allow for the Secretary of the Interior to transfer money to the schools that had been appropriated for use at Yosemite National Park.

JEFF BINGAMAN.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by H.R. 620, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Public Law 92-589

AN ACT To establish the Golden Gate National Recreation Area in the State of California, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * *

COMPOSITION AND BOUNDARIES

SEC. 2. (a) **【The recreation area shall comprise】** (1) *INITIAL LANDS.*—*The recreation area shall compromise the lands, waters, and submerged lands generally depicted on the map entitled: “Revised Boundary Map, Golden Gate National Recreation Area”, numbered NRA-GG-80,003-K and dated October 1978, plus those areas depicted on the map entitled “Point Reyes and GGNRA Amendments and dated October 25, 1979”. The authority of the Secretary to acquire lands in the tract known as San Francisco Assessor’s Block number 1592 shall be limited to an area of not more than one and nine-tenths acres. Notwithstanding any other provision of this subchapter, the Secretary shall not acquire the Marin County Assessor’s parcels numbered 199-181-01, 199-181-06, 199-181-08, 199-181-13, and 199-181-14, located in the Muir Beach portion of the recreation area. For the purposes of this subchapter, the southern end of the town of Marshall shall be considered to be the Marshall Boat Works. 【The following additional lands are also hereby included within the boundaries of the recreation area: Marin County Assessor’s parcel numbered 119-040-04, 119-040-05, 119-040-18, 166-202-03, 166-010-06, 166-010-07, 166-010-24, 166-010-25, 119-240-19, 166-010-10, 166-010-22, 119-240-03, 119-240-51, 119-240-52, 119-240-54, 166-101-12, 166-010-13, and 119-235-10. The recreation area shall also include the lands and waters in San Mateo County generally depicted on the map entitled “Sweeney Ridge Addition, Golden Gate National Recreation Area”, numbered NRA GG-80,000-A, and dated May 1980. The recreation area shall also include those lands acquired pursuant to the Golden Gate National Recreational Area Addition Act of 1992. The recreation area shall also include the lands generally depicted on the map entitled “Additions to Golden*

Gate National Recreation Area", numbered NPS-80,076, and dated July 2000/PWR-PLRPC.】

(2) *ADDITIONAL LANDS.*—*In addition to the lands described in paragraph (1), the recreation area shall include the following:*

(A) *The parcels numbered by the Assessor of Marin County, California, 119-040-04, 119-040-05, 119-040-18, 166-202-03, 166-010-06, 166-010-07, 166-010-24, 166-010-25, 119-240-19, 166-010-10, 166-010-22, 119-240-03, 119-240-51, 119-240-52, 119-240-54, 166-010-12, 166-010-13, and 119-235-10.*

(B) *Lands and waters in San Mateo County generally depicted on the map entitled "Sweeney Ridge Addition, Golden Gate National Recreation Area", numbered NRA GG-80,000-A, and dated May 1980.*

(C) *Lands acquired under the Golden Gate National Recreation Area Addition Act of 1992 (16 U.S.C. 460bb-1 note; Public Law 102-299).*

(D) *Lands generally depicted on the map entitled "Additions to Golden Gate National Recreation Area", numbered NPS-80-076, and dated July 2000/PWR-PLRPC.*

(E) *Lands generally depicted on the map entitled "Rancho Corral de Tierra Additions to the Golden Gate National Recreation Area", numbered NPS-80,079E, and dated March 2004.*

(3) *ACQUISITION LIMITATION.*—*The Secretary may acquire land described in paragraph (2)(E) only from a willing seller.*

* * * * *

ADVISORY COMMISSION

SEC. 5. (a) There is hereby established the Golden Gate National Recreation Area Advisory Commission (hereinafter referred to as the "Commission.").

【(b) The Commission shall be composed of eighteen members appointed by the Secretary for terms of five years each. *Provided*, That the terms of those members who have been either appointed or reappointed subsequent to January 1, 1979, shall be extended so as to expire not before June 1, 1985.】

(b) *MEMBERSHIP.*—*The Commission shall be composed of 18 members appointed by the Secretary for terms of five years each. In appointing such members, the Secretary shall ensure that the interests of local, historic recreational users of the recreation area are represented.*

(c) Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) Members of the Commission shall serve without compensation, as such, but the Secretary may pay, upon vouchers signed by the Chairman, the expenses reasonably incurred by the Commission and its members in carrying out their responsibilities under this Act.

(e) The Secretary, or his designee, shall from time to time, but at least annually, meet and consult with the Commission on general policies and specific matters related to planning, administration and development affecting the recreation area and other units of the national park system in Marin and San Francisco Counties.

(f) The Commission shall act and advise by affirmative vote of a majority of the members thereof.

(g) The Commission shall ~~cease to exist thirty years after the enactment of this Act~~ *terminate on December 31, 2014.*

* * * * *

Public Law 102–248, 102d Congress

AN ACT To establish the Manzanar National Historic Site in the State of California, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—MANZANAR NATIONAL HISTORIC SITE

* * * * *

SEC. 105. ADVISORY COMMISSION.

(a) ESTABLISHMENT.—There is hereby established an 11-member advisory commission to be known as the Manzanar National Historic Site Advisory Commission. The members of the Advisory Commission shall be appointed by the Secretary, and shall include former internees of the Manzanar relocation camp, local residents, representatives of Native American groups, and members of the general public.

* * * * *

(h) TERMINATION.—The Advisory Commission shall terminate ~~10 years after the date of enactment of this title~~ *on December 31, 2013.*

* * * * *

Public Law 104–333, 104th Congress

AN ACT To provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

This Act may be cited as the “Omnibus Parks and Public Lands Management Act of 1996”.

* * * * *

DIVISION I

* * * * *

TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND MANAGEMENT PROVISIONS

* * * * *

SEC. 814. NATIONAL PARK SERVICE ADMINISTRATIVE REFORM.

* * * * *

(c) AUTHORIZATION FOR PARK FACILITIES TO BE LOCATED OUTSIDE THE BOUNDARIES OF ZION NATIONAL PARK.—In order to facilitate the administration of Zion National Park *and Yosemite National Park*, the Secretary of the Interior is authorized, under such terms and conditions as he may deem advisable to expend donated or appropriated funds for *transportation systems* and the establishment of essential facilities for park administration and visitor use outside the boundaries, but within the vicinity, of the [park] *parks*. Such facilities and the use thereof shall be in conformity with approved plans for the [park] *parks*. The Secretary shall use existing facilities wherever feasible. Such facilities may only be constructed by the Secretary upon a finding that the location of such facilities would—

(1) avoid undue degradation of natural or cultural resources within the [park] *parks*;

(2) enhance service to the public; or

(3) provide a cost saving to the Federal Government.

The Secretary is authorized to enter into cooperative agreements with State or local governments or private entities to undertake the authority granted under this subsection. The Secretary is encouraged to identify and utilize funding sources to supplement any Federal funding used for these facilities.

* * * * *

Public Law 105–391, 105th Congress

AN ACT To provide for improved management and increased accountability for certain National Park Service programs, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “National Parks Omnibus Management Act of 1998”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

* * * * *

SEC. 501. FEES.

Notwithstanding any other provision of law, where the National Park Service or an entity under a service contract, *cooperative agreements, or other contractual agreement* with the National Park Service provides transportation to all or a portion of any unit of the National Park System, the Secretary may impose a reasonable and appropriate charge to the public for the use of such transportation services in addition to any admission fee required to be paid. Col-

lection of both the transportation and admission fees may occur at the transportation staging area or any other reasonably convenient location determined by the Secretary. The Secretary may enter into agreements with public or private entities, who qualify to the Secretary's satisfaction, to collect the transportation and admission fee. Such transportation fees collected as per this section shall be retained by the unit of the National Park System at which the transportation fee was collected and the amount retained shall be expended only for costs associated with the transportation systems at the unit where the charge was imposed.

* * * * *

